

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LARRY BARRETT,	:	
	:	
Plaintiff,	:	Case No. 3:14cv00102
	:	
vs.	:	District Judge Thomas M. Rose
	:	Chief Magistrate Judge Sharon L. Ovington
CAROLYN W. COLVIN,	:	
Acting Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	

REPORT AND RECOMMENDATIONS¹

This case is before the Court upon Plaintiff's Motion For Attorney Fees Under The Equal Access To Justice Act, 28 U.S.C. §2412(d). (Doc. #21). The Commissioner has not filed a Memorandum in Opposition or otherwise opposed Plaintiff's Motion.

Plaintiff's Motion seeks an award of attorney fees under the Equal Access To Justice Act in the amount of \$4,091.82 for attorney work performed in this case and in this Court. In the absence of opposition by the Commissioner, Plaintiff's Motion, Memorandum, and supporting documents establish that an award of attorney fees is warranted under 28 U.S.C. §2412(d) in the amount the Motion seeks.

¹ Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendations.

Accordingly, the Court hereby **RECOMMENDED** that:

1. Plaintiff's Motion For Attorney Fees Under The Equal Access To Justice Act, 28 U.S.C. §2412(d) (Doc. #21) be **GRANTED**;
2. The Commissioner be directed to Plaintiff's attorney fees in the total amount of \$4,091.82; and
3. The case remain terminated on the docket of this Court.

October 22, 2015

s/Sharon L. Ovington
Sharon L. Ovington
Chief United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within **FOURTEEN** days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).